IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

RP.No. 398 of 2003(N)
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AGAINST THE JUDGEMENT/ORDER IN OP.3075/2003
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PETITIONER/1ST RESPONDENT IN OP
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BHARAT PETROLEUM CORPORATION LTD.,
ERNAKULAM.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, BPC

RESPONDENTS: PETITIONE AND 2ND RESPONDENT IN OP1
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1. GAS CONSUMER ASSOCIATION,
SULTHAN BATHERY P.O., WAYANAD DISTRICT.

2. VISWANATHAN, S/O. SAMBU,
MUTHIMUCK COLONY, KANAMPADY P.O.,
MEENANGADY, VYTHIRI, WAYANAD DISTRICT.

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007, ALONG WITH RP NO. 399 OF 2003 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

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R.P.NO. 398/2003 IN WPC 3075/03

AND

R.P. NO. 399/03 IN WPC NO. 4942/03

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Dated this the 21st day of November, 2007

ORDER

The connected Writ Petitions were disposed of by common judgment dated 17,2,2003. The grievance aired by the petitioner in W.P.C.No. 3075 of 2003 is apprehension of charging higher rates by dealer for transporting LPG from godown at Pulpally to the consumer placed at Sulthan Bathery. In other words, the objection was against conducting sale at Sulthan Bathery after retaining godown at Pulpally. This Court disposed of the Writ Petitions after hearing the review petitioner also. So far as charges for the LPG is concerned, price is fixed by the Govt. and dealer is not entitled to charge anything in excess of what is fixed by the company under Govt. orders. Any consumer is free to complain against charging amount in excess of the price fixed by the company. Review petitioner's grievance is that by virtue of direction of this court prohibiting sale at the depot at Pulpally, the company's dealer at Sulthan Bathery is not able to make sales to

consumers at Pulpally. This Court while disposing of WPC assumed that dealer at Sulthan Bathery was not covering consumers at Pulpally. If the dealer has consumers in Pulpally they are free to effect sales from depot at Pulpally.

Review Petitions are disposed of modifying the judgment to the above extent.

(C.N. RAMACHANDRAN NAIR)
Judge